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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,904	05/07/2007	Royce McKim	RM030	4097
25784 7590 02/22/2010 MICHAEL O. SCHEINBERG P.O. BOX 164140 AUSTIN, TX 78716-4140				
EXAMINER				
HWU, DAVIS D				
ART UNIT		PAPER NUMBER		
3752				
MAIL DATE		DELIVERY MODE		
02/22/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,904

Applicant(s)

MCKIM ET AL.

Examiner

Davis Hwu

Art Unit

3752

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,8-10,12-16,18-21 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8-10,12-16,18-21 and 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/15/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. Applicant's amendment and arguments of January 15, 2010 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Freedman.

Freedman shows an apparatus for dispersing a fire suppression agent, the apparatus comprising: a housing 16 defining a cavity, the cavity having an opening; a cover 26 sealing the opening; a fire suppression agent 54 disposed with the cavity; a flexible sheet 52 disposed with the cavity, the sheet configured to disperse the fire suppression material upon opening of the cover with the opening downwardly oriented; a latch 36 having a first position for maintaining the cover in a position to close the opening and a second position for opening the cover to disperse the fire suppression agent; a thermally activated trigger 40 as recited in claim 13. When the sheet is rolled up, it forms a tube having a pocket which holds the fire suppression agent 54 (Fig. 3).

Claim Rejections - 35 USC § 103

4. Claims 1, 3, 4, 8-10, 12-16, 18-21, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman in view of Jones et al.

Freedman discloses an apparatus for dispersing a fire suppression agent, the apparatus comprising: a housing 16 defining a cavity, the cavity having an opening; a cover 26 sealing the opening; a fire suppression agent disposed with the cavity; a flexible sheet

52 disposed with the cavity, the sheet configured to disperse the fire suppression material upon opening of the cover with the opening downwardly oriented; a latch 36 having a first position for maintaining the cover in a position to close the opening and a second position for opening the cover to disperse the fire suppression agent; a thermally activated trigger 40 as recited in claim 13. Regarding claim 15, any stove has a switch for signaling a device to remove an energy source from the stove (i.e. an off switch). The device carries out the method of claim 16 since it comprises the structural limitations and functionality of the instant claim. Jones et al. teach a fire suppression apparatus comprising a flexible sheet that is folded into multiple layers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Freedman by folding the sheet to form multiple layers instead of having the sheet rolled as taught by Jones et al. since the device will still carry out its intended function dispersing fire suppression agent regardless of whether the sheet is rolled up or folded.

Response to Arguments

5. Applicant's arguments have been considered. The office action of October 16, 2009 stated that having the sheet to be folded into multiple layers would have been a matter of design choice. Applicant's argument that the sheet being folded into multiple layers would not have been a simple matter of design choice has been fully considered. Jones et al. now provides a teaching of the sheet being folded to form overlapping layers. However, as stated above, since the fire suppression agent is a powder, it will travel in different directions as the sheet unravels regardless of whether the sheet is

rolled up or folded. Since there is no further limitation of any particular fold pattern, a teaching of a folded sheet such as that provided by Jones et al. meets the claim limitation of the flexible sheet being folded as recited.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Davis Hwu** whose telephone number is (571)272-4904. The examiner can normally be reached on Mon-Friday 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Davis Hwu/
Primary Examiner, Art Unit 3752